

### **Remarks**

Claims 1-11 remain pending in this application after entry of this paper. Claim 1 has been amended to more particularly point out the invention. The invention is believed to be patentable.

The Examiner had rejected claims 1 and 5 under 35 U.S.C. 112, second paragraph, as being indefinite. Claim 1 has been amended to clarify that the impulse pay-per-view communication path is established "from the set top box through the broadband digital terminal and over the network to the service provider." Applicants have considered claim 5, and note that claim 5 clearly recites the impulse pay-per-view data path "extending from the set top box to the broadband digital terminal, and over the private virtual channel to the broadcast source at the destination address. The IPPV data path links the set top box and the service provider. This data path does include the broadband digital terminal. Claims 1 and 5 are believed to meet the requirements of 35 U.S.C. 112, and Applicants respectfully request that the Examiner withdraw this rejection.

Claims 1-11 were rejected under 35 U.S.C. 102(b) as being anticipated by Pinder et al. (U.S. Patent No. 5,742,677). Pinder does not anticipate the claimed invention.

Claim 1, for example, recites a method for providing personalized interactive programming over a data path. The data path extends between a service provider and a set top box. The service provider is connected to a data network and has an address. The method comprises establishing a communication path between a broadband digital terminal and the set top box. The broadband digital terminal is connected to the data network and the service provider broadcasts video through the broadband digital terminal to the set top box.

A private data packet is sent in addition to the broadcast video from the service provider. The private data packet is sent over the network and through the broadband digital terminal to the set top box. The packet contains application interface information for the

service provider and contains the service provider address. An impulse pay-per-view communication path is established from the set top box through the broadband digital terminal and over the network to the service provider based upon the address. This allows interactive programming using the application interface information between the service provider and the set top box to personalize the broadcast programming.

Pinder describes an information terminal having reconfigurable memory. Pinder does not suggest the claimed private data packet containing application interface information for the service provider and containing the service provider address, and (establishing an IPPV communication path to) allow interactive programming using the application interface information between the service provider and the set top box. It is important to note that the private data packet is sent from the service provider or broadcast source, and contains application interface information, and is used for interactive programming between the service provider and the set top box upon establishing the IPPV communication path. These features as claimed are not suggested by the prior art.

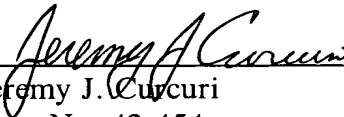
Regarding the private data packet, the Examiner makes reference to column 4, line 43 - column 5, line 29 and mentions the transmitting by the service provider of their address, logo and graphics data. Pinder is only describing that certain information about the service provider may be transmitted in the clear and gives address, logo and graphics data as examples. The Examiner has not pointed out any suggestion of a private data packet sent from the service provider including application interface information that is used during interactive programming between the service provider and the set top box.

Regarding the IPPV communication path and the interactive programming, the Examiner has not pointed out any teachings of this specific subject matter. For example, the Examiner makes reference to column 4, line 43 - column 5, line 36 and column 9, line 66 - column 10, line 35. Neither of these passages describes the claimed subject matter. It is important to recognize that, in the claimed invention, application interface information in a private data packet from the service provider allows interactive programming over the IPPV

data path. Pinder may transmit certain information (logo, address, etc.) but does not describe the claimed private data packet, or the claimed interactive programming.

For the reasons given above, claims 1-11 are believed to be in condition for allowance and such action is respectfully requested.

Respectfully submitted,  
**DONALD L. BRODIGAN ET AL.**

By   
Jeremy J. Curcuri  
Reg. No. 42,454  
Attorney for Applicant

Date: May 22, 2006

**BROOKS KUSHMAN P.C.**  
1000 Town Center, 22nd Floor  
Southfield, MI 48075-1238  
Phone: 248-358-4400  
Fax: 248-358-3351